

U.S. Department of Justice
Office of the United States Trustee
110 North College, Suite 300
Tyler, TX 75702
(903) 590-1450; fax (903) 590-1461

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE	§	
	§	
KDS Group PLLC	§	Case No. 16-42101
4700 Byron Circle	§	
Irving, TX 75038	§	
Tax ID / EIN: 46-1056976	§	
dba Advanced Orthodontic Studio	§	
	§	
	§	Chapter 11
Debtor-in-possession	§	

MOTION TO COMPEL COMPLIANCE

NOTICE PURSUANT TO LOCAL RULE 9007(a)

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUESTS FOR HEARING. THE COURT WILL THEREAFTER SET A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF YOU FAIL TO APPEAR AT ANY SCHEDULED HEARING, YOUR RESPONSE MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE BRENDA T. RHOADES,
CHIEF U.S. BANKRUPTCY JUDGE PRESIDING:

William T. Neary, the United States trustee for Region 6, filed this Motion to Compel Compliance, and would respectfully show:

FACTUAL STATEMENT

1. This case was commenced by the filing of a voluntary petition under Chapter 11 of Title 11 on November 17, 2017. The Debtor is managing its affairs as a debtor-in-possession pursuant to 11 U.S.C. §1107. The Debtor operates an orthodontic business from three locations.

2. The United States Trustee conducted a Debtor Interview in this case. At the Debtor Interview the Debtor's representative was personally informed of the "Obligations of a Chapter 11 Debtor" promulgated by the United States Trustee. On November 28, 2016 the Debtor's representative Mr. Marco Navarro acknowledged these obligations on behalf of the Debtor by signing the Obligations of a Chapter 11 Debtor form. The Debtor has defaulted on its Chapter 11 Debtor obligations in the following respects:

- The Debtor has failed to pay United States Trustee fees due pursuant to 28 U.S.C. §1930(a)(6) for the fourth quarter of 2016 in the amount of \$975;
- The Debtor has failed to provide evidence that it has casualty and general liability insurance;
- The Debtor has failed to provide proof of the closing of its pre-petition bank accounts;
- The Debtor has failed to provide proof of the proper establishment of a debtor-in-

possession bank account by tendering a voided check from that account;

- The Debtor has failed to provide all bank statements requested by the United States Trustee due to concerns that the Debtor was paying certain personal expenses of the Debtor's principal.

WHEREFORE, the United States trustee requests the court to issue its order compelling the Debtor to immediately comply with its administrative requirements as detailed herein. The United States Trustee also requests such other relief as may be just.

Dated: February 24, 2017

Respectfully submitted,

William T. Neary
/S/ Timothy W O'Neal
United States Trustee
By: Timothy W. O'Neal
Assistant U.S. Trustee
110 N. College, Suite 300
Tyler, Texas 75702
(903) 590-1450; fax (903) 590-1461

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing document was served on the following listed persons through the court's electronic notification system as permitted by Appendix 5005 to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid, no later than February 24, 2017.

/s/Timothy W O'Neal

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